

ECF Users Group
February 12, 2002, 10:00 a.m.

The first meeting of the ECF Users Group, United States Bankruptcy Court, Western District of North Carolina, was called to order by Karen Heavner. In attendance were:

Users Group

Jessica Adams, Bankruptcy Administrator's Office
Cindy Baker, Mitchell, Rallings, et al.
Angela Flow, Robinson, Bradshaw & Hinson
Casey Gaines, Law Offices of O. Max Gardner, III
O. Max Gardner, Esq.
Michelle Gillis, Law Offices of O. Max Gardner, III
Kathy Hornbuckle (via telephone), Office of Wayne Sigmon, Trustee
Pam Humphrey, Chapter 13 Trustee
Amy Kropka, Robinson, Bradshaw & Hinson
Marcelle Lowder, Chapter 13 Trustee
Janice Marshall, Shuford, Hunter & Brown, PA
Cindy Patterson, Parker, Poe, et al.
Heather Rodman, Shuford, Hunter & Brown
Sheila Smith, David R. Badger, P.A.
Don Stambaugh, David R. Badger, P.A.

Court Staff

Julia Adams, Courtroom Deputy
Gerri Crockett, Clerk of the Court
Karen Heavner, ECF Project Manager
Lisa Lambert, Case Administrator
Robby Robinson, Bankruptcy Court Administration Division, Washington, DC (special guest)
Barbara Sifford, Case Administrator
Lucretia Sullivan Case Administrator
David Weich, Chief Deputy Clerk
J. Craig Whitley, Judge

1. Appointment of officers: Determined to wait until the end of the meeting to discuss officers.
2. Purpose of Group:
 - A. Communicate problems and work with others toward solutions.
 - B. Let Court know of user needs for transmittal to developers.
3. Discussion Items:
 - A. Receipt of petitions by trustee: Trustees are currently running case reports and printing petitions, getting e-mails.

Gerri Crockett indicated the Clerk's office is working on a process to print all Chapter 7 petitions via a high speed printer in the Clerk's Office and forward to Trustees. Printing would be done overnight. They are in the process of obtaining a high-speed printer and working out technical difficulties.

Complaints from the Group included the time consumed and volume of paper needed to print petitions from e-mail.

B. Docketing Events:

Some events show up that are not needed (proceedings memos, docketing status). Court responded they are there just in case anyone wanted to use them.

Users would like communication from the Court about docket entries: why they are there and who they are intended for. Could we get instructions, possibly on the internet.

Some items not included in events; e.g., trustee's motion to abandon property. Court responded that when "Dictionary" created, decision as to what events were entered was based on whether or not an event triggered a response in the system. It was determined that a Report of Sale was an event that didn't do anything and wasn't docketed with a lot of frequency, so the event was not entered in the Dictionary.

C. Chapter Docketing

Karen Heavner said that a program was being developed in California and would be implemented within the next two to three weeks to electronically assign the judge, trustee and 341 information as follows:

Chapter 7:	Judge, Trustee and 341 Hearing
Chapter 11	Judge and 341 Hearing
Chapter 13:	Judge and Trustee

D. Changing Docketing Events

Changing Debtor's address: docketed as "Other" event. Some attorneys change address via a letter to Court and some send Notice of Change of Address. Both are docketed by the Clerk's Office.

Changing Debtor's name: If an old Debtor filed a new action with a different name using same SSN, can't edit name (system defaults to old name). Court suggested entering a new party with same SSN. Both names will appear in search.

Notification of changes to docket events. Court suggested setting up e-mail address groups; e.g., Trustees, attorneys, users. Different information for different groups.

E. Orders:

The Court will begin receiving trustee ex parte motions, with proposed order submitted as an attachment. The case administrator will print out order, send to judge. Order will be e-mailed to parties after reviewed and corrected. The Court is working on a "Proposed Orders" web site. The Court will not be returning hard copies to the parties; will be done by e-mail when program implemented.

Judge Whitley pointed out that the DMV still wants an actual signed order, and that we should have the ability to serve a piece of paper with a personal signature.

Jessica Adams, Bankruptcy Administrator's Office, requested that they be e-mailed orders. They don't need originals. They keep originals on computer. She also requested that Final Reports be e-mailed to Linda Mallos rather than a hard copy. If the system is down, submit on a disk in "pdf" format.

F. Docketing Time Lag:

Attorney Gardner indicated that a response to a Motion for Relief from Stay must be filed within an 18-day objection period, and when attempting to file a response electronically, there were times when no motion was on file to link the response to. The Court responded that the motion had probably not been forwarded to the Court. The docketing lag time for the Court is no more than two days. If the problem occurs, call the Case Administrator to resolve.

G. Credit Card Payments:

A discussion was held on credit card payments for fees from trust funds and general funds. Attorney Gardner subsequent to the meeting received an opinion from the State Bar Ethics section stating money received from a client at the time or prior to payment of a Court filing fee via credit card need not be deposited in a trust fund.

H. E-Mail Organization:

Gerri Crockett raised the issue of e-mail organization and how it is handled by various users. Some comments were:

- Getting e-mails and hard copies of the same document is very confusing.
- The Summary -- can't tell who docketed.
- Getting duplicate service of electronic documents.
- Putting an inordinate amount of time into e-mail management.
- Receiving the same e-mail service twice.
- Internet problems: Services lose mail, automatically forward mail to another person, or someone else looks at mail.
- Need to identify in e-mail the case number and docket summary text.
- The volume of e-mail will be increasing when all are required to file electronically.

I. E-Mail Service Problems.

Suggested that the Certificate of Service be changed to reflect who is served electronically and who is served via first class mail. However, it was pointed out that it is time consuming for staff to determine who was served electronically, and who is yet to be served via first class mail. Matrix mailings still need to be accomplished via first class mail.

There is no system or instructions on what system is to be used for service. There is no confirmation that someone was actually served via e-mail. It would be too easy to default on a motion if served electronically but the transmission was not received. There is no guaranty of e-mail delivery.

H. Officers, Future Meetings

Sheila Smith was appointed temporary spokesperson until the next meeting is called. The next meeting will be scheduled in three months unless otherwise determined by the Users Group.